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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,225	03/27/2001	Nobuhiro Azuma	1614.1157	7935
21171	7590	08/11/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/817,225

**Applicant(s)**

AZUMA, NOBUHIRO

**Examiner**

Tan Dean D. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/817,225.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***(1) Response to Amendment***

The amendments filed 5/2005 have been entered.

### ***(2) Claim Status***

Independent Claims 1, 2, 3, 4 are active and are rejected as followed.

### ***(3) Claim Rejections - 35 USC § 112***

1. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The 1<sup>st</sup> step of method claim 4, after "comprising", is vague since it's not a step but merely a phrase further limiting the computer above. It's recommended that the phrase be moved to the preamble or providing an action verb, i.e. providing, allowing, etc.

### ***(3) Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

### ***(4) Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 4, 2 (methods), 1 and 3 (apparatus) are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over STOREY (US Patent 6,009,412).**

**As for independent Method claims 4 and 2**, which have similar limitations, STOREY discloses a method for managing a number of points attributed to registered (or enrolled) members of a group in accordance with registered member point files stored in a computer connected to a network {see Fig. 2, (180E), col. 5, lines 44-57}, comprising:

(a) allowing the computer connected to the network (or online or Internet) to receive the information provided from a user terminal connected to the electronic network, and evaluating accuracy of information whether a plurality of items (some information) which are included in purchase information supplied from the registered member, are accurate (or checking or verifying some user input information) {Fig. 2, (140), col. 5, lines 8-10, 20-25 (or col. 5:8-10, 20-25) some information such as credit card information, i.e. (1) credit card number and (2) dollar amount), col. 5:28-35 "Credit Check"} and;

(b) adding or incrementing a number of points in the registered member point file of the registered member supplying information, for each of the plurality of items confirmed to be accurate (see Fig. 2, 170. 180E, 190, 200, col. 5:44-55). As for the limitation of receiving the information from a user terminal, this is taught in col. 5:1-10 wherein the user feeds in a lot of information from his terminal to the on-line network. Note, that the term "user" is broad and could include any one who uses the system or

element of Fig. 2. Alternatively, since the method is carried out online or on the Internet, the use of computer to connect to the network is inherently in Fig. 2 of STOREY or would have been obvious to install them to allow the accessing and functioning on the Internet.

Alternatively, the evaluating/checking/verifying of other similar or desired business transaction/deal information using the same managing/checking steps above to achieve similar result would have been obvious to a skilled artisan, experienced businessperson with a college degree, as mere using other similar/equivalent business steps to achieve similar results, absent evidence of unexpected results.

**As for Independent apparatus claims 1 and 3**, which have similar limitations, STOREY discloses a business information managing system of registered/enrolled members comprising:

(a) a business information reception unit formed in a part of a computer connected to an electronic network for receiving purchase information from a registered member containing a plurality of items over the electronic network {see Fig. 2, 130, 150P, 170, 180E, col. 5:1-45},

(b) a registered member point file formed in a part of the computer, the registered member point file managing points attributed to each of the registered member {see c5:45-55},

(c) a confirmation information reception unit formed in a part of the computer, the confirming unit confirm the accuracy of information sent from user terminals by registered members {see col. 5:8-10, 24-33, col. 7:60-67, col. 8:1-8}, and

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(d) a point accumulation unit connected to the network, said point accumulation unit adjusting points earned by registered members based on whether information sent from user terminal by registered member is confirmed by the confirmation information reception unit {see Fig. 2, 190, 200, 210}. As for the limitation of receiving the information from a user terminal, this is taught in c5:1-10 wherein the user feeds in a lot of information from his terminal to the on-line network. Note, that the term "user" is broad and could include any one who uses the system or element of Fig. 2. Alternatively, since the method is carried out online or on the Internet, the use of computer to connect to the network is inherently in Fig. 2 of STOREY or would have been obvious to install them to allow the accessing and functioning on the Internet.

Alternatively, the evaluating/checking/verifying of other similar or desired business transaction/deal information using the same managing/checking steps above to achieve similar result would have been obvious to a skilled artisan, experienced businessperson with a college degree, as mere using other similar/equivalent business steps to achieve similar results, absent evidence of unexpected results.

Alternatively, as for Independent apparatus claims 1 and 3, which are the respective elements to carry out the steps of method claims 2 and 4 above, they are rejected over the elements to carry out the steps as indicated in the rejections of claims 1 and 3 above.

***(5) Response to Arguments***

5. Applicant's arguments (1) filed 5/2005 have been fully considered but they are not persuasive. Applicant's main argument that Storey fails to teach or suggest evaluating the accuracy of information provided from a user terminal is not persuasive in view of col. 5, lines 5-35 wherein some information with respect to credit card information such as credit card number and dollar amount are evaluated/checked/verified. If the result is positive, then it proceeds with the next step which is PRODUCT ORDER, 160. Even though applicant's invention deals with business deal information and specifically in a real estate business, wherein the information is dealt with giving cash or gift when a deal is not closed or closed (see background of the invention / related art), these specific information are not in the claim. The claims language are open for other type of business deal/transaction information.

**(6) Conclusion**

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.



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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
August 5, 2005

  
DEAN T. NGUYEN  
PRIMARY EXAMINER